



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

June 6, 2007

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2006-MA-031

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on June 4, 2007, the Board approved Special Exception Application SE 2006-MA-031 in the name of The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington and his Successors in Office. The subject property is located at 4601 Ravensworth Road on approximately 45.24 acres of land zoned R-4 in the Mason District [Tax Map 71-1 ((9)) 7A]. The Board's action permits a continuation of a church with private school of general education with a total enrollment of 370 and permits a congregate living facility (priests' retirement home) pursuant to Section 3-404 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat Priest Retirement Home", prepared by Land Development Consultants, Inc. and dated February 17, 2006, and revised thru May 23, 2007, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The congregate living facility shall only be utilized for residential purposes by retired and current priests, staff, and persons properly authorized by the Bishop of the Catholic Diocese of Arlington, with a maximum of 21 permanent residents at any one time.

Office of Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

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5. Frontage improvements, as required by DPWES, shall be constructed along Ravensworth Road from the northern parcel boundary to the northern side of the St. Michaels Lane (the main entrance to the existing church and school.)
6. At the time of site plan approval or upon the demand of VDOT or Fairfax County, whichever occurs first, 28 feet of right-of-way measured from the existing centerline of Ravensworth Road shall be dedicated in fee simple to the Board of Supervisors.
7. The maximum number of church seats in the main area of worship shall be limited to 1,254. Parking shall be provided onsite as shown on the SE plat.
8. All replacement or new lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance. There shall be no uplighting on site, including any sign or building. The height of any fixture shall be measured from grade to the top of the fixture.
9. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.
10. The Applicant shall submit a tree preservation plan as part of all site plans. The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of Urban Forest Management ("UFM"). The Applicant shall provide a copy of the Tree Preservation Plan to FCPA for review and comment, upon submission of such plan to DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater, located on the Application Property that are located up to 25 feet to either side of the limits of clearing and grading shown on the SE Plat. At a minimum, the tree preservation plan shall provide for the preservation of those areas shown for tree preservation on the SE Plat. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.
 - a. All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved, including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers that provide nourishment and

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protection to that vegetation. Removal of any vegetation, if any, or soil disturbance in tree preservation areas, including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of UFM. The use of equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaw, wheel barrows, rake and shovels. Any work that requires the use of equipment, such as skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by UFM.

- b. The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading in the areas of tree preservation marked with a continuous line of flagging prior to the walk-through meeting with the UFM to be held prior to any clearing and grading. During the tree preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk such limits of clearing and grading with an UFM representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented; provided, however, that no adjustment shall be required that would affect the location and/or design of priests' retirement home, including a requirement for additional retaining walls in excess of two feet in height. Trees within the preservation areas that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- c. The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE plat, subject to allowances specified in these proffered conditions and for the installation of fences, utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install fences, utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE plat, they shall be located in the least disruptive manner necessary as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

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- d. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the phase I & II erosion and sediment control sheets, as may be modified by Par. f below. All tree protection fencing shall be installed after the tree preservation walk-through meeting described in Par. c above, but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, the UFM, DPWES and the Mason District Supervisor shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFM.
- e. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and grading; (3) root pruning shall be conducted with the supervision of a certified arborist; and (4) a UFM representative shall be informed when all root pruning and tree protection fence installation is complete.
- f. During any clearing or tree/vegetation removal in the areas adjacent to the tree preservation areas, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor on-site all construction and demolition work and tree

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- preservation efforts in order to ensure conformance with all tree preservation proffers, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM. The Mason District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting described in Par. c. above.
- g. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 6 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective public improvement/site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.
- h. At the time of the respective public improvement/site plan approvals, the Applicant shall both post a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with Proffer 16. h. above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the Bonded Trees. The cash bond shall consist of 33% of the amount of the letter of credit. At any time prior to final bond release the priests' retirement home, should any Bonded Trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFM. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the priests' retirement home any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.
- i. Native Plant Transplantation. The intent of this Par. is to facilitate an opportunity to rescue native plant species from areas of the Application Property to be cleared (but not from tree preservation areas) before the

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initiation of land disturbing activities. Except for the conditions identified below, the implementation of this proffer will in no way interfere with the land development process after approval of this Application. To that end, the Applicant shall work with the Fairfax County Urban Forest Management to coordinate an opportunity for the removal and transplantation of native plant species located outside tree save areas on the Application Property. In order to facilitate the rescue and transplantation of native plants prior to the initiation of land disturbing activities the Applicant will mark the general area of the tree save areas within 30 days after approval of this Application and will notify the Mason District Supervisor's office and provide reasonable opportunity for Urban Forestry Management and/or third parties under their direction to access the Application Property and remove vegetation that is not proposed to be saved. Such right of access shall be subject to the party seeking access maintaining reasonable insurance and providing indemnification to the Applicant and the landowners against all risk of loss, damage, injury or death resulting from such access and/or the transporting of vegetation from the Application Property. The Applicant will notify the Mason District Supervisor's office again at the time of second site plan submission for the first site plan/public improvement plan submitted for the Application Property. The marking of the tree save areas and provision of notice as required herein shall fully satisfy the Applicant's obligations under this proffer.

11. The limits of clearing and grading shall be strictly adhered to and shall disturb no more land than shown on the special exception plat. Prior to any land disturbing activity, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements shall be submitted to DPWES, including UFM, for review and approval. The extent of clearing and grading of construction shall be the minimum amount feasible as determined by DPWES. Prior to any land disturbing activities for construction, a pre-construction conference shall be held on-site between DPWES, including UFM, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction. In no event shall any area on the site be left denuded for a period longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days.
12. Any landscaping proposed on site, including the transitional screening, shall be approved by UFM and shall utilize native shrubs, trees and grasses, to the greatest extent possible, to provide a naturalized landscape environment.
13. Stormwater Management (SWM)/Best Management Practices (BMP) shall be

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provided as depicted on the SE Plat, as determined by DPWES.

14. The existing "St. Michaels Catholic Church" sign located in the northeast quadrant of the intersection of Saint Michael's Lane and Ravensworth Road may remain. The applicant shall obtain a sign permit for any proposed new sign in accordance with the provisions of Article 12 of the Zoning Ordinance. Any illumination of the sign(s) shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
15. The total maximum daily enrollment in the private school of general education shall not exceed 370 students.
16. The private school of general education's maximum hours of operation shall be 7:45 a.m. and 7:00 p.m., Monday through Friday.
17. Prior to the issuance of the Non-RUP for priests' retirement home, the applicant shall construct the entrance off of Ravensworth Road into the site to align with the adjacent cross street as shown on the SE plat.
18. The trail within the proposed tree save area shall be constructed as generally shown on the SE Plat with the final location being approved by UFM to minimize impacts to existing vegetation.

The Board also:

- **Modified the transitional screening requirement along the north, east, and south property lines in favor of those shown on the SE plat.**

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

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If you have questions regarding the expiration of this Special Exception or filing a request for additional time, they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs

Clerk to the Board of Supervisors

NV/dms

Cc: Chairman Gerald E. Connolly
Supervisor Penelope Gross, Mason District
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager. - GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Audrey Clark, Director - Building Plan Review, DPWES
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Jose Comayagua, Director, Facilities Management
Gary Chevalier, Office of Capital Facilities/Fairfax County Public Schools
Dale Castellow, Chief Capital Projects Sections, Dept. of Transportation



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR SPECIAL EXCEPTION

PLEASE TYPE
OR PRINT IN BLACK INK
RECEIVED
Department of Planning & Zoning

NOV 17 2006

APPLICATION NO. SE 2006-MA-031
(Assigned by Staff)

Zoning Evaluation Division

ZONING ORDINANCE SECTION UNDER WHICH APPLICATION IS FILED: Section 3-404 and 9-301

PROPOSED USE: Continuation of the previously established place of worship and private school of general education and establishment of a congregate living facility.

NAME OF APPLICANT(s): The Most Reverend Paul S. Loverde, Bishop of the Catholic Diocese of Arlington and his Successors in Office

POSTAL ADDRESS OF PROPERTY: 4601 Ravensworth Road
Annandale, VA 22003

TAX MAP DESCRIPTION:

71-1 ((9)) 7A

Map No. Double Circle No. Single Circle No. Parcel(s)/Lot(s) No.

SUBDIVISION NAME: N/A

TOTAL AREA (AC. OR SQ.FT.): Approximately 45,2448 acres ^{one to KS 1216106}

PRESENT ZONING: R-4

PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A

SUPERVISOR DISTRICT: Mason

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application.

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Lynne J. Strobel, Agent
Type or Print Name of Applicant or Agent

Lynne J. Strobel
Signature of Applicant or Agent

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

2200 Clarendon Boulevard, Suite 1300, Arlington, VA 22201
Address

(703) 528-4700

Telephone No. Home Work

Please provide name and telephone number of contact person if different from above.

NOT WRITE IN THIS SPACE

Date application received: _____ Application Fee Paid: \$595.00

Date application accepted: 12/8/06 Virginia Ruffner Form 5 1/89

SE 2006-00087 and 1216106